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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2006 SEP 19 P 3: 16

Arizona Corporation Commission

DOCKETED

SEP 19 2006

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

AZ CORP COMMISSION
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DOCKETED BY	
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IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR
AUTHORIZATION TO ACQUIRE POWER
PLANT.

DOCKET NO. E-01345A-06-0464

PROCEDURAL ORDER

BY THE COMMISSION:

On July 13, 2006, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission ("Commission") an application for approval to purchase a new generation resource within APS' Yuma load pocket either through direct contracts with vendors and contractors or through a contract with a developer.

On July 28, 2006, Mesquite Power, LLC, Southwestern Power Group II, LLC and Bowie Power Station, LLC ("Mesquite/SWPG/Bowie") filed a joint application to intervene.

On July 28, 2006, Mesquite/SWPG/Bowie also filed a Motion to Dismiss Application, or, in the Alternative, Schedule Procedural Conference; and, Supporting Memorandum of Points and Authorities.

On August 10, 2006, APS filed its Response in Opposition to Application for Leave to Intervene.

On August 10, 2006, Arizona Competitive Power Alliance ("Alliance") filed its Application for Leave to Intervene and Joinder in Motion to Dismiss.

On August 14, 2006, Mesquite/SWPG/Bowie filed their Reply to APS's Response in Opposition to Application For Leave to Intervene and Request For Oral Argument.

On August 17, 2006, APS filed its Response in Opposition to Application of Arizona Competitive Power Alliance for Leave to Intervene.

By Procedural Order issued August 22, 2006, a Procedural Conference was scheduled to hear argument on the Motions and to discuss the appropriate procedure for processing this application.

1 The Procedural Conference was held as scheduled and oral arguments were heard on the
2 motions to intervene and limited oral argument was heard on the Motion to Dismiss/Set Procedural
3 Conference. At the procedural conference, the Motions to Intervene by Mesquite/SWPG/Bowie and
4 by the Alliance were granted, and APS was given until September 1, 2006, to file a written response
5 to the Motion to Dismiss/Set Procedural Conference, and the Intervenors and Staff were given until
6 September 8, 2006 to file any reply to APS' response.

7 On August 29, 2006, a Procedural Order was issued incorporating the determinations made
8 during the procedural conference and directing the parties to work together to try to develop a
9 recommended process for handling this matter.

10 On August 31, 2006, Mesquite/SWPG/Bowie filed a Motion to Withdraw the Motion to
11 Dismiss Application.

12 On September 1, 2006, APS filed its Response to the Procedural Order. APS indicated that
13 given the Intervenors' August 31, 2006 filing to withdraw their Motion to Dismiss, it would not be
14 responding to the Motion at that time. APS also indicated that it was meeting with the Intervenors to
15 try and develop a timely and mutually acceptable process. APS requested that the matter not be set
16 for hearing while the parties are attempting to negotiate a streamlined process and Staff is completing
17 its analysis and recommendation. APS proposed to file an update by September 15, 2006, and
18 indicated that the Intervenors concur with APS' request that a decision on an evidentiary process not
19 be made pending further discussion by the parties.

20 On September 18, 2006, APS filed a Request for Extension to September 21, 2006 to file
21 either an agreed-upon process for addressing the Intervenors' questions or to file its response to the
22 Intervenors' procedural proposals. APS indicated that the Intervenors concur with the requested
23 extension.

24 IT IS THEREFORE ORDERED that the Request is hereby granted and Arizona Public
25 Service Company shall file either an agreed-upon process for addressing the Intervenors' questions or
26 Arizona Public Service Company's response to the Intervenors' procedural proposals, by September
27 22, 2006.

28 ...

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 Dated this 19 day of August, 2006

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7 LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 19 day of August, 2006 to:

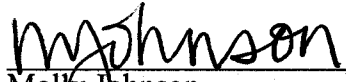
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